Section II (Remarks)

Amendment of the Claims

In amended claim 1 hereof, the previous recital that "the establishment of the first telephonic connection and/or the establishment of the second telephonic connection between the connector and the contact requestor is repeatable until the complete connection is established" has been amended to recite "at least one of the establishment of the first telephonic connection and the establishment of the second telephonic connection between the connector and the contact requestor is repeatable until the complete connection is established". Such amendment improves the form of the claim by eliminating the "and/or" term therein. Corresponding amendments have been made in claims 12 and 22.

Claims 9 and 10 have been amended herein to depend from claim 1, and new claims 28-30 have been added directed to specific aspects of the invention.

Each of new claims 28-30 depends from claim 1.

Claim 28 recites that the system is adapted to send an SMS status report when the system is unable to establish the complete connection.

Support for the newly presented claim 28 can be found in the present application, on page 8, 2nd paragraph which reads: "…if after a period of time (…) has elapsed or a number of attempts made, no connection has been established, the telephony system cancels the request in the queue. The SMS gateway sends a message…to the customer that it has been unable to establish a connection." The sending of a SMS status report is also described in the third paragraph of page 8 and Figure 2 (steps 270 and 290).

Claim 29 is directed to the system, wherein the connector is adapted to establish a telephone connection between the contact requester and an available agent by utilizing an indicator.

Support for the new claim 29 can be found in the present application, for example at page 9, fourth paragraph, which reads: "the telephony system is informed which agents are able to accept calls by means of an indicator which may be passed to the telephony system".

Claim 30 recites that the message parser is adapted to interpret the message in a natural language.

Support for the new claim 30 can be found in the description, on page 9 lines 14-16 (2nd paragraph): "SMS interpreter can interpret a message in a natural language".

The amendments made herein are fully consistent with and supported by the originally-filed disclosure of this application.

No new matter within the meaning of 35 U.S.C. §132(a) has been introduced by the foregoing amendments.

Claim Objections

In the December 2, 2008 Office Action, the Examiner objected to claims 9-10 for depending from cancelled claim 4.

In response, claims 9 and 10 have been amended to depend from claim 1.

Rejections under 35 USC 112

In the December 2, 2008 Office Action, the Examiner has rejected claims 1-3, 5-16 and 22-27 as being indefinite for failing to point out and distinctly claims the subject matter. In particular, the Examiner pointed out that the recitation of "and/or" in the claims renders the claims indefinite.

In response, claims 1, 12 and 22 have been amended using the wording "at least one of .... and....", instead of "and/or," as follows: "wherein at least one of the establishment of the first telephonic connection and the establishment of the second telephonic connection between the connector and the contact requester is repeatable until the complete connection is established".

Such amended wording of the claim is fully clear and overcomes the objection of lack of clarity.

Claims 2-3, 5-11 and 23-27 have been rejected in the December 2, 2008 Office Action for being dependent on rejected base claims. Such rejection has been overcome by the amendment to the claims herein.

Rejections under 35 USC 103

Claims 1-2 and 17-27

In the December 2, 2008 Office Action, the Examiner has rejected claims 1-2 and 17-27 under 35 USC 103(a) as being unpatentable over Wilson (EP 1 195 975, to Intelprop) in combination with Wildman (EP 1 168 791, to Netcall).

The Examiner has contended that Wilson teaches a system for connection between a contact requester and a plurality of communications centers. The Examiner concedes that Wilson does not explicitly describe a connector which uses the destination identifier and the contact number to first attempt to automatically establish a first telephonic connection between the connector and a requested one of the plurality of communications centers and subsequently establish a second telephonic connection between the connector and the contact requester, thus establishing a complete connection between the contact requester and the requested one of the plurality of communication centers, wherein the establishment of at least one of the first telephonic connection and the establishment of the second telephonic connection between the connector and the contact requester is repeatable until the complete connection is established.

The Examiner has asserted that Wildman teaches a connector which uses the destination identifier and the contact number to first attempt to automatically establish a first telephonic connection between the connector and a requested one of the plurality of communications centers and subsequently establish a second telephonic connection between the connector and the contact requester.

The applicant respectfully disagrees. It is submitted that the invention of claims 1-22 and 17-27 is not obvious, since the ordinary skilled person would not have combined the teachings of Wilson with the teachings of Wildman in the manner proposed by the Examiner.

Wildman et al. is neither related nor analogous art.

Wildman et al relates to an automatic call distributor, call back system and call management within a call center, when the user has dialed the number of the party he or she wishes to contact (see, for example, paragraph 15).

Wildman et al. discloses a call back handler that is provided for handling calls between a caller and a called party (client, call center). A call from the caller to the client is received at the call back handler, which may also determine a number at which the caller can be called back. In this system, the call back handler establishes a connection with the client/called party, and then establishes a connection with the caller, as described at column 4, lines 31 to 34 of this reference. A queue system is also contemplated, should the client not be available, and preferred call back times are also given for the call back handler to call back the caller.

A process of setting up a connection between a caller and a client is described with reference to Figure 1 of the present application. The caller intends to call the client. When the client is not available, the callback handler handles the call. A first step of recording the ID of the caller is first performed (step 25, paragraphs [0044] and [0052]). In this step, caller line identification may be used or the caller may be asked to input his telephone number or the call back number.

Wildman et al only discloses the use of incoming calls. Wildman et al fails to describe or in any way suggest the application of the disclosed system to text messaging. The caller in Wildman et al does not send a text message and there is no derivative basis in the Wildman disclosure for such activity. The purpose of the Wildman system is to efficiently handle incoming calls. This of course requires that a call has to be placed first.

The present invention on the other hand relates to retrieving information sent via a text message through a mobile telecommunications network and is not directed to the operations within a call

center. The system of applicants' invention does not require a telephonic call to have been made. The field of telecommunications is so vast that it is not reasonable to expect the ordinary skilled person to know, understand or even be aware of technologies used in areas of technology other than the ones with which the ordinary skilled person is aware.

Attached is a Declaration under 37 CFR 1.132 from the inventor and from another skilled person in the art demonstrating that the fields of application of Wildman and Wilson are different. In particular, these declarants attest to the fact that they would not have considered the teaching of Wildman, in arriving at the invention.

Theses Declarations provide testimonial evidence that the fields are vastly different and it would not be obvious to the ordinary skilled person to combine the teachings of the two fields of Wilson and Wildman et al. as they would never do this.

The applicant further notes that there is no teaching, motivation or other suggestion to use the Wildman teachings in a mobile communications system. Even if the applicant had been aware of the Wildman teaching before developing the system and method of the present application, the applicant would not have used the teachings therein to develop the system of the present invention.

The applicant therefore submits that the combination of Wilson and Wildman et al. would not in any manner yield, suggest, or lead to the system and method of the present application.

The applicant further notes that even if the combination of the teachings of Wilson and Wildman et al. had been contemplated (which, however, the applicant does not accept), then the combination of the teaching would not lead to the system and method of applicant's claimed invention. The combination of Wilson and Wildman would lead to a hybrid system, wherein a request for connection to a communication center would be placed by SMS, as in paragraph [0023] of Wilson. Then the call back handler system of Wildman would handle the message. The step of recording the ID of the user would then be performed by the call back handler, which would directly call back the user on his mobile phone. The user would then confirm his request and possibly give another contact number, and then hang up (step 25, paragraph [0044], [0052]

or [0070] of the Wildman disclosure). The call back handler would start the call back process by trying to first establish the phone connection with the client/destination/communication center and then establish the phone connection with the user. The call back process is repeatable until the full connection has been established (for example, paragraph [0047], paragraph [0075] of the Wildman).

The hybrid system would therefore require five steps for establishing the communication, involving the sending of one SMS by the user, one identification call from the call back handler to the user, and one call between the user and the destination.

This is different from applicant's invention wherein the SMS comprises identifiers including the destination number and the contact number. The user sends an SMS and then just has to wait for the connector to call back (see, for example, Figure 2 of the present application). All of the following steps are fully automated, and for the user there is no telephone identification, no queuing, and thus no frustration. Additionally, the cost of such a system is drastically reduced, since only one SMS by the user and one call between the user and the destination has to be placed instead of one SMS and two calls in the hybrid system.

The applicant therefore submits that the hypothetical combination of Wilson and Wildman et al. provides no basis or direction for the claimed invention.

Claims 1-2 and 17-22 are inventive over the cited prior art for all the above reasons. It is correspondingly requested that the rejection of claims 1-2 and 17-22 under 35 USC 103 be withdrawn.

Claims 3, 5-16 and 18 to 30

Claims 3, 5-16 and 28-30 are dependent on claim 1. As pointed out above, claim 1 is properly allowable, and since claims 3, 5-16 and 28-30 are dependent on an allowable claim, claims 3, 5-16 and 28-30 are also allowable.

The Examiner in the December 2, 2008 Office Action further rejected claims 13-16 under 35

USC 103(a) in view of US 5,274,790 (Gechter, assigned to Unifi Communications Corporation). The teachings of Gechter et al. also relate to an automatic call distributor. The applicant has shown above, supported by the Antilli and Newham Declarations, that the teachings of Wildman et al would not be combined with the teachings of Wilson to arrive at the invention. Similarly, the teachings of Gechter et al would also not be contemplated by the ordinary skilled person.

Claims 18-21 are dependent on allowable claim 17. Therefore, claims 17-21 are allowable.

Claims 23-27 are dependent on allowable claim 22 and are therefore also allowable.

The applicant submits that all of the claims are allowable and requests that the rejection under 35 USC 103 therefore be withdrawn.

CONCLUSION

Based on the foregoing, all of Applicants' pending claims 1-3 and 5-30 are patentably distinguished over the art, and in form and condition for allowance. The examiner is requested to favorably consider the foregoing, and to responsively issue a Notice of Allowance. If any issues require further resolution, the examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss same, in order that this application may be passed to issue at an early date.

Respectfully submitted,
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